In the Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-1033

ERNEST FAIRCHILD, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Petitioner was convicted after a jury trial in the United States District Court for the Northern District of Illinois of passing a counterfeit Federal Reserve note, in violation of 18 U.S.C. 472, and of selling counterfeit Federal Reserve notes, in violation of 18 U.S.C. 473. He was sentenced to two concurrent three-year terms of imprisonment. The court of appeals affirmed (Pet. App. 1-7).

Petitioner's sole claim is that his warrantless arrest in a public place by federal agents who had ample time to obtain a warrant was unreasonable under the Fourth Amendment, and that therefore evidence seized in a search incident to that arrest should have been suppressed at trial. Petitioner concedes (Pet. 8) that the agents had probable cause to arrest him.

United States v. *Watson*, No. 74-538, decided January 26, 1976, in which this Court upheld the validity of

warrantless probable cause arrests in public places, is dispositive of petitioner's contention.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

MARCH 1976.

DOJ-1976-03

BLEED THROUGH